

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DANIEL P. HOGAN,

Plaintiff,

vs.

COSMIC CONCEPTS, et al.,

Defendants.

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Case No. 4:11CV0565 JCH

**ORDER**

On October 6, 2011, Defendant Tim Matthews filed his Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 40). On October 12, 2011, Plaintiff filed a Second Amended Complaint, which is now the operative complaint (Doc. No. 41).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Tim Matthews' Motion to Dismiss Plaintiff's Amended Complaint (ECF. No. 40) is **DENIED** as moot.

Dated this 12th day of October, 2011.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE